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MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,168,615	::	DECISION DISMISSING PETITIONS
Issue Date: January 30, 2007	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Application No. 10/712,182	:	AND REQUEST FOR CERTIFICATE
Filed: November 13, 2003	:	OF CORRECTIONS
Attorney Docket No. 62941.002018	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment by way of a certificate of correction.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The Certificate of Correction should contain an amendment to the first sentence of the specification setting forth the benefit claim. See MPEP 201.11(III).

Further correspondence with respect to this matter should be addressed as follows:

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 401 Dulany Street
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 ATTN: Office of Petitions

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Certificate of Corrections at their hotline 571-272-4200.

/dab/
David Bucci
Petitions Examiner
Office of Petitions